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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/051,078 | 01/22/2002 | Richard J. Carter | 10008130-1 | 3391 |

7590 04/09/2004

HEWLETT-PACKARD COMPANY
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EXAMINER

WHITMORE, STACY

ART UNIT

PAPER NUMBER

2812

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------|--------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/051,078 | CARTER, RICHARD J. |
| | Examiner | Art Unit |
| | Stacy A Whitmore | 2812 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on amendment filed 1/23/04.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 and 12-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-10, 12-23 and 30-35 is/are allowed.
- 6) Claim(s) 24-26 and 29 is/are rejected.
- 7) Claim(s) 27 and 28 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 1/22/02 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

FINAL ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 24-25, 26, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Panchul et al. (US Patent 226,776).
2. As for claim 24, Panchul discloses the invention substantially as claimed, including a method of software code to design a digital circuit [abstract], the method comprising:

receiving high level programming language representing an expression of a design of a digital circuit []abstract; , wherein the code comprises:

at least one algorithm specification [abstract, col. 6, lines 43-55], at least one data representation specification [fig.'s 3a and 3b; col. 5, lines 62-67; col. 14, line 66 – col. 15, line 18], and at least one data communication specification [fig.'s 3a and 3b; col. 5, lines 62-67; col. 14, line 66 – col. 15, line 18]; and

compiling the user code, wherein the user code is used to create a digital circuit [col. 6, lines 45-66].

Note: the examiner's broadest interpretation of the data representation is "The data representation specifications allow a user to choose how a variable is represented" from pg. 9, lines 20-21 of the applicant's specification. The examiner's broadest interpretation of a data communication specification is "The data communication specifications allow a user to select for each variable in the algorithm a data communication implementation. The data communication specification provides the technique for connecting hardware in the hardware realization and may include conventional connection techniques" from page 10, lines 1-4 of the applicant's specification.

3. As for claim 25, Panchul discloses wherein the high-level programming language comprises one of a C-like and a JAVA-like programming language [abstract, col. 6].
4. As for claim 26 and 29, Panchul discloses wherein the at least one variable has a set of assumable values defined in the code [col. 14, line 67 – col.15, line18, and figs. 3a-3b – the result of the language expressions is that a variable assumes the value of the result of the operation]; and wherein the code identifies a defined set of values for the at least one variable that do not vary by platform [col. 14, line 67 – col.15, line18, and figs. 3a-3b; col. 27, lines 21-28 – the result of the language expressions is portable and does not vary since it is done using a high level portable language usable with varying systems].
5. Claims 27-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 1-10, 12-23, 30-35 are allowed over the prior art of record.
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stacy A Whitmore whose telephone number is (571) 272-1685. The examiner can normally be reached on Monday-Thursday, alternate Friday 6:30am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Niebling can be reached on (571) 272-1679. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stacy A Whitmore

Primary Examiner

Art Unit 2812

SAW

